

## REMARKS

In the Office Action mailed September 28, 2004, the Examiner noted that claims 1-7 were pending, and rejected claims 1-7. Claim 1 has been amended and new claim 8 has been added, and, thus, in view of the forgoing, claims 1-8 are pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

The present amendments to the drawings overcome the objection thereto.

With respect to the rejection under Lo, it is noted that claim 1 recites a head-covering portion being stretchable in at least a circumferential direction thereof and having a plurality of front pieces, side pieces and rear pieces, at least one piece among the side pieces and rear pieces being made of a stretchable warp knitted mesh.

In contrast, Lo discloses elastic headwear in which front gores include a stretchable fabric backed with a stiffening material such as a nylon web. Lo, col. 6, ln. 35-40. The side gores and rear gores are not made of a stretchable warp knitted mesh, as claimed.

Furthermore, Lo discloses a weft knitted mesh as opposed to a warp knitted mesh. This distinction was noted by the Examiner in the Office Action at page 3. The Examiner dismisses this distinction by alleging that there are no observable differences in the meshes. Applicant respectfully disagrees. A weft knitted fabric is relatively soft, and therefore any cap made therefrom would have difficulty maintaining shape, especially during display for sale. See present specification, page 1, ln. 14-16. A warp knitted mesh does not suffer from such a deficiency.

New claim 8 is patentably distinguishable from Lo at least for similar reasons as discussed with respect to claim 1.

It is submitted that claims 1-8 are allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

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If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

In the Office Action, the Examiner objected to the drawings. In order to overcome these objections, Applicants withdraw Fig. 4. Approval of these changes to the Drawings is respectfully requested.

Figs. 5 and 6 have been renumbered as Figs. 4 and 5, respectively.